

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JOHN D. RICH,

Plaintiff,

vs.

**MARK CHRISTOPHER SEVIER,
MARK CHRISTOPHER SEVIER
D/B/A SEVERE RECORDS, SEVERE
RECORDS, LLC**

Defendants.

**CASE NO. 3:11-0362
JUDGE CAMPBELL/KNOWLES**

REPORT AND RECOMMENDATION

On May 12, 2011, the undersigned submitted a Report and Recommendation recommending that this action be remanded to State Court and further recommending that Plaintiff be awarded his costs and expenses, including reasonable attorneys' fees, pursuant to 28 U.S.C. § 1447(c). Docket No. 30, p. 6.

On May 27, 2011, Judge Campbell entered an Order adopting and approving the Report and Recommendation. Docket No. 39. Judge Campbell remanded the matter to State Court and stated in relevant part as follows:

Plaintiff's request for costs and attorneys' fees is granted, and Plaintiff shall file, by June 15, 2011, an appropriate affidavit and documentation establishing those costs and expenses. The matter of costs and attorneys' fees is referred to the Magistrate Judge for a Report and Recommendation.

Id.

On June 15, 2011, Plaintiff filed a “Fee Affidavit of Cynthia S. McKenzie” (Docket No. 42) and a “Fee Affidavit of Lyndsay Smith Hyde” (Docket No. 43). Defendant did not file a Response to the Fee Affidavits.

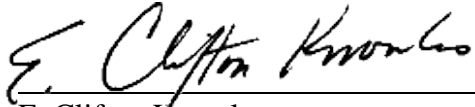
The Fee Affidavits establish that the total fees actually billed to Plaintiff were \$23,930.00, plus costs in the amount of \$1,016.05. Senior counsel for Plaintiff billed at an hourly rate of \$250 per hour, while junior counsel billed at an hourly rate of \$200 per hour. These hourly amounts are reasonable, and in line with hourly rates charged by attorneys in the Middle District of Tennessee. Additionally, according to the Affidavits, “all fees and costs were related to improper removal.” Docket No. 42, p. 2; Docket No. 43, p. 2.

Additionally, Ms. McKenzie submitted a number of supporting documents with her Affidavit, including Invoice #210, dated 5/13/2011; Invoice #223, dated June 10, 2011; an “Account Summary” dated June 13, 2011, which appears to reflect computerized legal research; 13 pages of documents involving Pacer charges; and a completed “Bill of Costs.” The Court has reviewed these documents and the charges reflected therein appear to be reasonable.

For the foregoing reasons, the undersigned recommends that Plaintiff be awarded his attorneys’ fees in the amount of \$23,930.00, and his costs in the amount of \$1,016.05, for a total of \$24,946.05.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of

service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



E. Clifton Knowles
United States Magistrate Judge